

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

FILED
DATE NOV - 9 2011
4:57 O'Clock P.M.
Sandra K Markham, CLERK
BY: <u>Becky Hamilton</u>
Deputy

DIVISION: PTB

SANDRA K MARKHAM, CLERK

HON. WARREN R. DARROW

BY: Becky Hamilton, Deputy Clerk

CASE NO. P1300CR20081442

DATE: November 9, 2011

TITLE:

COUNSEL:

STATE OF ARIZONA

Yavapai County Attorney (e)

(For Plaintiff)

Plaintiff

vs

JAMES ARTHUR RAY

Thomas K. Kelly (e)

(For Defendant)

D-1

Luis Li/BradBrianTruc Do/Miriam Seifter
MUNGER TOLLEST & OLSONG LLP (e)

(For Defendant Pro Hac Vice)

HEARING ON:

NATURE OF PROCEEDINGS

COURT REPORTER

Pre-Sentence

Christy Harrington

START TIME: 8:59 a.m.

APPEARANCES:

Sheila Polk, Counsel for State
Bill Hughes, Co-Counsel for State
Detective Ross Diskin, Case Agent
Kathy Durrer, State's Assistant
Tom Kelly, Counsel for Defendant
Luis Li, Pro Hac Vice Counsel for Defendant
Truc Do, Pro Hac Vice Counsel for Defendant

At 8:59 a.m., Court convenes with the State, Defendant and counsel present. Counsel Kelly is not present. Margaret Gean Clancy is on the witness stand.

The State has discovered that the settlement agreements, requested from the Defense, were recently filed with the Court via attachment to a pleading. The State requests that the settlement agreements between the victims and the Defendant not be published to the Court website.

The Defense has no objection if there is a basis for the ruling. Counsel leaves this matter to the Court's discretion.

IT IS ORDERED the Settlement Agreements shall not be published to the website until further order of the Court.

The Court notes Defense Counsel Kelly contacted this Court to report that he is finishing a Jury Trial this morning.

The State continues examination of the witness.

At 9:04 a.m., the Defense cross examines the witness.

At 9:25 a.m., Counsel Kelly is present.

At 9:43 a.m., the State examines the witness on redirect.

The witness is excused and exits the courtroom.

At 9:56 a.m., Steven Lee Pace enters the courtroom, is sworn and presents testimony.

The State examines the witness.

The State moves to admit Exhibit 1170 into evidence. There being no objection, Exhibit 1170 is **admitted**.

The State continues examination of the witness.

The Court directs all parties to return at 10:45 a.m.

~* ~* ~* ~* 10:28 a.m., Recess ~* ~* ~* ~*

At 10:46 a.m., Court reconvenes with the previously noted parties present. Counsel Kelly is not present. Steven Lee Pace is on the witness stand.

The State continues examination of the witness.

At 11:04 a.m., Counsel Kelly is present.

At 11:09 a.m., the Defense cross examines the witness.

The Defense offers an exhibit for marking.

The Defense moves to admit Exhibit 1171 into evidence. There being no objection, Exhibit 1171 is **admitted**.

The Defense continues cross examination of the witness.

The Court directs all parties to return after the lunch recess at 1:20 p.m.

~* ~* ~* ~* 12:02 p.m., Recess ~* ~* ~* ~*

At 1:25 p.m., Court reconvenes with all previously noted parties present. Counsel Kelly is not present.

Steven Lee Pace is on the witness stand.

The Defense continues cross examination of the witness.

The Defense offers an exhibit for marking.

At 1:42 p.m., the State examines the witness on redirect.

The Defense moves to admit Exhibit 1172 into evidence. There being no objection, Exhibit 1172 is **admitted**.

At 2:00 p.m., the State examines the witness on follow up.

Counsel Kelly is present.

At 2:04 p.m., the Defense examines the witness on follow up.

The witness is excused and exits the courtroom.

At 2:09 p.m., Tere Gingerella enters the courtroom, is sworn and presents testimony.

The State examines the witness.

At 2:44 p.m., the Defense cross examines the witness.

The Court directs all parties to return at 3:20 p.m.

~* ~* ~* ~* 3:00 p.m., Recess ~* ~* ~* ~*

At 3:22 p.m., Court reconvenes with all previously noted parties present. Tere Gingerella is on the witness stand.

The Defense continues cross examination of the witness.

At 3:43 p.m., the State examines the witness on redirect.

The witness is excused and exits the courtroom.

At 4:01 p.m., Virginia Brown enters the courtroom, is sworn and presents testimony.

The State examines the witness.

The State moves to admit Exhibit 1150 into evidence. There being no objection, Exhibit 1150 is **admitted**.

The State continues examination of the witness.

The State directs all parties to return by 9:00 a.m., tomorrow morning, November 10, 2011.

Court adjourns 4:57 p.m.

V1300CR201080049
STATE V. JAMES ARTHUR RAY
NOVEMBER 9, 2011

cc: Gallagher & Kennedy, P.C., Counsel for the Shore Family (e)
Murphy, Schmitt, Hathaway & Wilson, PLLC, Co-Counsel for the Brown Family (e)
Stone & Magnanini, Co-Counsel for the Brown Family (e)
Aspey, Watkins & Diesel, PLLC, Counsel for the Neuman Family (e)
Steptoe & Johnson, Counsel for KPNX Broadcasting Company, Tm TV and In Session (e)
Perkins, Cole, Brown & Bain, Counsel for KTVK-TV (e)
Victim Services (e)
Court Administration
Customer Service Supervisor, Prescott Superior Court